

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02600

JESSICA JONES, et al.,

Plaintiffs,

v.

BAIN CAPITAL PRIVATE EQUITY, et al.

Defendants.

Civ. Action No. 2:20-cv-02892

AMERICAN SPIRIT AND CHEER
ESSENTIALS, INC., et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02782

**DECLARATION OF BRENDAN GAFFNEY IN SUPPORT OF DEFENDANTS'
RESPONSE TO PLAINTIFFS' JOINT MOTION TO MODIFY SCHEDULING ORDERS**

I, Brendan P. Gaffney, declare as follows:

1. My name is Brendan P. Gaffney. I am over twenty-one (21) years of age, of sound mind, and competent to make this declaration. I make the following statements based upon my own personal knowledge of the facts stated herein.

2. As counsel for Jeff Webb, I have been personally involved in responding to Plaintiffs' discovery requests and in discussions with Plaintiffs' counsel regarding Mr. Webb's discovery responses and document productions. Among other things, I have been involved in the collection, review, and production of documents in response to Plaintiffs' First Request for Production of Documents to Defendant Jeff Webb (the "Requests").

3. On September 18, 2021, Plaintiffs filed their Motion to Compel Discovery Responses from Defendant Jeff Webb (the "Motion to Compel"), to which Mr. Webb filed his response on October 4, 2021. ECF Nos. 103, 110.

4. On October 28, 2021, a hearing on Plaintiffs' Motion to Compel was held before Magistrate Judge Charmiane Claxton. I attended the hearing, during which I argued on Mr. Webb's behalf, and have reviewed the transcript from the hearing. During the October 28 hearing, Magistrate Judge Claxton ruled that the applicable relevant time period for production of documents in response to the Requests would be from January 1, 2015 until one year after the date that Mr. Webb's employment with Varsity ended. This ruling is reflected further in the Order entered by Magistrate Judge Tu M. Pham on November 19, 2021. ECF No. 165.

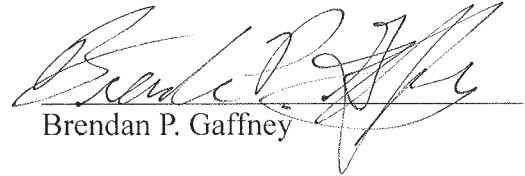
5. Included among the documents produced to Plaintiffs were Mr. Webb's employment and consulting agreements, from which Plaintiffs can understand that Mr. Webb was an employee with Varsity until December 1, 2020.

6. Documents remaining for Mr. Webb to produce include any text messages responsive to the Requests for the relevant time period, and any additional documents from

December 10, 2020 until December 1, 2021. The number of responsive text messages and additional documents for production will be minimal.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 2, 2021.


Brendan P. Gaffney